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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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REPORT

from : Evaluation Committee
to: Schengen Evaluation Working Party

Subject : Report on the Evaluation Committee's mission to the Embassy of **Lithuania in Moscow** in the context of the New Member States' preparations for the full implementation of the Schengen acquis

Delegations will find attached the draft report of the Schengen Evaluation mission to the Embassy of the Republic of Lithuania in Moscow, drafted by the Evaluation Committee (Annex II) (hereinafter *EvalCom*). It is presented to the Sch-Eval Working Party for discussion and adoption, allowing for its eventual submission to the Council.

Comments of the Lithuanian authorities are set out after the comments and recommendations of the Evaluation Committee

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TABLE OF CONTENTS

1.	Introduction	3
2.	Management summary	3
3.	Access to the Embassy and consular services	3
4.	Security	5
5.	Submission of applications	6
6.	Processing the application	9
7.	Visa sticker	13
8.	Issuance of visas	14
9.	Security staff/material)	15
10.	Education and training	17
11.	Equipment for detecting false documents	17
12.	Consular co-operation	18
13.	General conclusions including recommendations	18

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Acknowledgements:

The members of the Evaluation Committee (EvalCom) wish to thank the Lithuanian authorities for the excellent organization of the visit to the Embassy of Lithuania in Moscow. The EvalCom would also like to thank to the staff of the Embassy and of the central authorities for their valued co-operation and for assisting it in carrying out its task.

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1. INTRODUCTION

Based on the mandate of the Schengen Evaluation Group (SCH/Com-ex (98) 26 def) and the programme of evaluations adopted by the Council (15275/04 SCH-EVAL 70 COMIX 718, and 7638/2/05 SCH-EVAL 20 COMIX 200), an Expert Committee (*EvalCom*) visited the Embassy of Lithuania in Moscow, on 10 May 2006.

At the moment of this evaluation, the Visa Facilitation Agreement between the European Community and the Russian Federation, signed on 25 May 2006, had not entered into force yet.

At the beginning of the evaluation, a short presentation about how the consular building would be renovated in September 2006 was given.

2. MANAGEMENT SUMMARY

The EvalCom considers, on the basis of the checks carried out and the information gathered, that the Republic of Lithuania, as far as its Embassy in Moscow is concerned, may be in a position to implement the Schengen acquis in full in due course. No significant failings or chronic errors were noted in the daily work of the Embassy.

Positive practices worth a particular mention, included:

- the training and education of its staff.

Issues requiring special attention or reviewing by the Lithuanian authorities in order for Lithuania to join Schengen in full related mainly to:

- more attention to assessing individual applications
- low percentage of applicants being interviewed
- the need to abolish the current existing practice regarding people travelling to Lithuania for 10 days or less
- ensuring personal appearance of minors under 18
- the practice of affixing a visa sticker on a list of passengers, which should be abolished
- the practice where an applicant whose visa has been refused, can not lodge a new application for a year.

3. ACCESS TO THE EMBASSY AND CONSULAR SERVICES

3.1 Location; entrances

The Embassy of the Republic of Lithuania is located in the city centre. The building of the Embassy has 4 floors. There are divisions of Visas, Citizenship Affairs and Consular Assistance of the consular section on the ground floor with the separate entrance and there is the division of Facilitated Transit Documents of the consular section on the 3rd floor.

The Embassy can be reached by the public transport: by metro, bus, trolleybus or taxi. It takes 10-15 minutes by foot to arrive at the Embassy from the nearest trolleybus or metro stations.

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3.2. Information (signs, forms, translations, telephone or in writing, website)

Information phone of the consular section. There are two telephone lines (one for tourist agencies) and an auto answering system. Through the auto answering system, applicants receive general information on the documents required when applying for a visa at the consular section, the working hours and the location of the Embassy. Consular officers also give information by phone during the working hours of the consular section. A duty security officer can be contacted beyond working hours. Telephone numbers of the consular section also can be found through Russian information call-centers and internet sources.

If the Embassy is contacted by **e-mail**, applicants receive all requested information in a few days. Information on the visa issuance procedure and a list of necessary documents can be found in the **information stands** at the entrance to the consular section (which is hard to reach, due to the crowd in the morning) as well as in the waiting room of the consular section. On the notice boards inside the waiting room, the information also includes an explanations how to fill an application form, samples of filled out applications, medical insurance requirements, etc. Information is also supplied in Russian language.

Information on consular issues (working hours of the consular section, visa issuance procedure, etc.) as well as the address and contacts of the Embassy can be obtained from the **web-page** of the Embassy (<http://ru.urm.lt>) in Lithuanian, English and Russian.

3.3 Application forms (how to obtain; translation)

Visa applications are available in the waiting room in three languages (Lithuanian, Russian and English). They can be also downloaded from the web-page of the Embassy or MFA.

3.4 Access management (waiting room, staff/tasks, queues, opening hours)

Outside there is only militia (appointed by the Russian authorities) for security purposes, who is not involved in the visa procedure. The entry to the consular section is controlled by the police officers of the Republic of Lithuania. There is no crowd control outside the Embassy's premises (50 to 60 people waited when the Embassy opened). A certain number (no more than 25) of applicants is allowed to wait in the waiting room. The rest waits in a queue outside the Consular section.

Working hours of consular section: Monday-Friday, from 9.30 a.m. to 1.00 p.m. (accession to the Consular Section until 12.00 a.m.). Delivery: Monday-Friday, from 2.00 p.m. to 3.00 p.m.

EvalCom comments and recommendations:

The EvalCom recommends that the Embassy should consider possible ways to reduce queues outside, e.g. by extending the opening hours or implementing an appointment system.

Comments of Lithuania:

- *The Republic of Lithuania would like to inform that the queues outside the Embassy are only of a seasonal nature – the more significant queues form only in the holiday (pre-holiday) season. Outside that period of time, the extent of the queues does not pose major difficulties either to the visa applicants or to the visa officers of the Embassy.*

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- *Considering the recommendation of the EvalCom, the Republic of Lithuania has already begun planning to introduce the online booking system for the visa appointments from 1 January 2007. The system shall be introduced in all the Embassies of the Republic of Lithuania, issuing the greatest numbers of visas and present the means for the efficient and proper coping with the queues and the workloads of the consular sections. At the moment, the plans of the system as well as the procurement documentation is being prepared.*
- *From the beginning of the Year 2007, the Government of the Republic of Lithuania has already confirmed the funding in the budget for the additional diplomatic and technical officers for the Diplomatic Missions and Consular Posts of the Republic of Lithuania ('Program of Consular Development'). Embassy of the Republic of Lithuania in Moscow shall also receive additional diplomatic and consular officers for the implementation of consular functions. Together with the renovation, that would enable not only to reduce queues, but also to assess individual applications even more carefully.*

4. SECURITY

4.1 Outside the building

The physical security of the Consular Section is assured by the fence, the separate entrance and the police officers of the Republic of Lithuania who are responsible for the public order and security in the consular section. The territory of the Embassy outside the building is protected by the alarm system (motion detectors), including 16 cameras (images are kept for a month). The surroundings of the Embassy are guarded by the Russian militia post. Lithuanian police officers check each applicant with a metal detector before letting him/her into the waiting room.

4.2 Inside the building

The visa officers are separated from the applicants by the visa counters. Visa applicant are not allowed to enter the building except for the waiting room of the consular section. The waiting room is observed by the cameras. There is no pass-through document system and no bullet proof glass at the visa counters.

Interviews are conducted at the counter only between 14:00 and 15:00. There are between 0 and 5 interviews per day. An average interview lasts approximately 10 minutes. There is no separate interview room ensuring privacy.

The EvalCom noticed that inside the waiting room of the consular section there was a counter of INGOSSTRAKH Insurance, a state company which provides travel medical insurance.

EvalCom comments and recommendations:

The EvalCom considers the security checks - performed by the Lithuanian police upon entering the waiting room - adequate. However, it could be taken into consideration to install a pass-through document system and (bullet proof) security glass at the visa counters, to further improve the level of security of visa staff and documents. Other than that, the security situation and access management are adequate.

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Comments of Lithuania:

- *The Republic of Lithuania would like to assure the EvalCom that appropriate measures shall be taken in due time. As mentioned in the presentation on the renovation of the Consular Section of the Embassy, one of the key-points of the reconstruction of Consular Section would be the modernisation of visa counters, installing a bullet proof security glass together with the pass-through system for the documents. The renovation shall be financed from the means of Schengen facility starting already in September 2006.*

5. SUBMISSION OF APPLICATIONS

No appointment system (just a few visitors a day).

5.1 Pre-check of applications

The Lithuanian police officer at the door checks the validity of passport (for a minimum of 3 months after the intend stay), photo, travel medical insurance (which could be bought inside the waiting room) and one copy of the Russian passport.

5.2 Personal appearance required

At the moment there are three exemptions regarding personal appearance. The first category which is exempted is minors under 18. Their application form has to be accompanied by an official letter of consent, stating that he/she is authorised to represent the child and authorised by public notary. If a child is travelling alone, a representative can submit and collect all documents (a majority of these cases are school trips and not individual cases). The second category of exemptions is applicants with an authentic letter from Lithuanian immigration authorities. The third category is businessmen who can apply for visa through a representative who needs to have a letter of authorisation signed by the applicant personally (on a paper with the heading of the company). Well known businessmen from big companies can get visa in a 1 day or 2..

For people who intend to travel to Lithuania for 10 days or less, there is no need to have either invitation or proof of subsistence or any other supporting documents except travel medical insurance. The EvalCom was informed that this practise is not based on bilateral agreement with the Russian Federation and will be stopped before entry to Schengen.

Diplomatic passport holders are not exempted from visa requirement.

5.3 Nationality of applicants

99 % are Russians.

Diplomats of third countries are subject to the visa requirement, but can submit their applications by verbal note and get their visas in one or two days.

5.4. Treatment of applications from non-residents

Non-residents can apply for visa.

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5.5 Handling fees

All types of visas are 35 Euro and in the case of refusal, the handling fee is not reimbursed.

Family members of an EU national are not required to provide a travel medical insurance and invitation (only proof of family link), or to pay a handling fee.

Regarding the issuance of a receipt, which is now done only after the passport is returned, the EvalCom recommends that this should be done upon payment of the handling fee.

EvalCom comments and recommendations:

The exemption from personal appearance for minors under 18 is not in accordance with the CCI (reference is made to chapter III, Article 4, p. 22 in English version, in which minors are not mentioned as a standard exemption, and to the EU-catalogue “Issuing of Visa, Recommendations and Best Practices”, chapter 3, point a) and should be implemented correctly once applying Schengen in full. .

The EvalCom considers the number of interviews carried out in comparison to the number of actual applicant as low, and recommends increasing the number of interviews (to verify the applicant’s identity, establish the true purpose of stay, etc) when applying Schengen in full.

Furthermore, EvalCom recommends abolishing the current existing practice that people travelling to Lithuania for 10 days or less do not need to present any other supporting document except travel medical insurance, before full implementation of Schengen acquis.

The EvalCom noticed that inside the waiting room of the Consular Section there was a booth of INGOSSTRAKH Insurance state company which provides travel medical insurance. Since, to applicants, this may give the wrong impression that the Embassy only accepts insurance policies from this company, the EvalCom appreciates that this booth will be removed after the renovation due to take place later in 2006.

Comments of Lithuania:

- *The Republic of Lithuania would like to assure the EvalCom, that the Embassy of the Republic of Lithuania in Moscow has already begun to issue a receipt upon payment of the handling fee for a visa.*
- *The practice of exemption from personal appearance of minors is not actually established by the Acts of Law of the Republic of Lithuania. That exemption is used mainly because the minors usually are neither entitled to sign the visa applications, nor can efficiently comment the purpose of their visit and that is why the Embassy did not see the necessity for their presence. Also there could be mentioned obvious humanitarian reasons - releasing a minor from the necessity to wait in a queue and etc.
On the other hand we agree that from the side of not only visa issuing procedures but also from the perspective of fight against human trafficking, such exemption should not be used systematically. The Republic of Lithuania could assure the EvalCom that the practice shall be abolished before applying Schengen in full.*

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- *The Republic of Lithuania would like to emphasise that every third country national, applying for a visa of the Republic of Lithuania actually preliminary questioned by the technical officers upon the submission of the documents. When the alien submits documents personally, technical officer, using to the data from the visa application form, is obliged to verify applicant's identity, the real purpose of stay and etc. The preliminary questioning is not always used, particularly when the documents are not submitted personally, but by the accredited tourist agencies and etc.
When there are doubts concerning the visa applicant, he is interviewed by the diplomat, executing consular functions, at the same time, when the foreigner returns for a visa or during the separate meeting.*
- *After the renovation of Consular Section, there shall be a separate, sound-absorbing interview room, assuring the discretion and confidentiality of visa interviews. The additional facilities would enable Lithuania to increase the quantity and quality of visa interviews, assessment of individual applications and etc., when applying Schengen in full.*
- *Finally, Embassy of the Republic of Lithuania in Moscow shall also receive additional diplomatic and consular officers for the implementation of consular functions, according to the above mentioned 'Program of Consular Development' in 2007. That would enable to increase the number of interviews significantly.*
- *The increase of the number of personal interviews would also facilitate the introduction the advance booking system for the visa appointments, which shall be introduced from 1 January 2007.*
- *According to the Annex 5 of 'The rules for submission of visa application and corresponding documents, conditions governing the issue of visas, issue of visas at border crossing points, extending the period of stay being in possession of a visa, grounds for refusing the issue of a visa and accreditation of tourist agencies', approved by the Order of the Minister of the Interior and Minister of Foreign Affairs No. IV-280/V-109 from 2 September 2004, citizens of the Russian Federation, Republic of Belarus and the Republic of Kazakhstan, staying in the territory of the Republic of Lithuania not longer than 10 days and having the appropriate travel medical insurance, are entitle to get a visa of the Republic of Lithuania without the official invitation of the natural or legal person of the Republic of Lithuania.*
- *The Republic of Lithuania acknowledges that the above mentioned provision is not fully in line with Schengen acquis. The above mentioned Order of a Minister shall be revoked before the full implementation of Schengen acquis.*
- *The Republic of Lithuania confirms that the office of 'Ingosstrakh' Insurance Company shall be removed from the premises of Consular Section of the Embassy in Moscow after the renovation.*

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6. PROCESSING THE APPLICATION

6.1 Lodging an application

Visa applications and supporting documents are received and checked by three state officials, executing consular functions. When necessary, applications are also received by one technical officer from the expatriate staff.

Visa applicants receive a special receipt certifying the submission of the documents. The decision on the issuance of visa is taken in 2-5 working days (the applicant is notified of the exact date upon submission of the documents). If a visa applicant is not able to present all the required documents, usually necessary to take a decision, the consular officer returns the incomplete application to a visa applicant at once.

In case of an incomplete application, the application is not processed, not paid for and the application stamp is not affixed in the passport. If a type of document which is not considered necessary to reach a decision but could be useful to further substantiate the application (e.g. proof of business document) is missing, the application is processed and the missing document(s) can be sent later by fax.

6.2 Examination of an application

Verification/screening of documents: After the data from the visa application are in the system, the diplomat, executing consular functions, starts the process of decision making. First of all, the data is entered into the system and documents received are verified and screened. A consular officer checks the authenticity of submitted travel documents. In case of suspicion that a travel document and the supporting documentation could be forged, the said officer uses forgery detection equipment. Then the decision is made whether additional documentation or interview is needed. At this stage it is also decided whether data presented should be rechecked through contacting host (natural or legal) in the Republic of Lithuania. If additional supporting documents are needed for taking a decision, the applicant is informed about that by telephone. It is possible to submit the additional documents on the agreed date before or on the set date of issuing the visa (then an applicant has to wait a certain time for a decision). Applicants whose stated purpose of stay, means of subsistence or personal details are doubtful, are interviewed, usually on the set date of issuing a visa.

Consultations with central authorities: when applicable (national 5 A list), national consultations are processed by the diplomat, executing consular functions. The request is sent to the Central authorities which reply to the Embassy as soon as possible, but not later than in 7 days.

Applications from third country nationals from the national 5 A list are sent to the central authority by fax (to MFA) which consults the Border authority and the Ministry of Interior, if necessary.

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6.3 Supporting documents

- Documents needed for all types of visas
 - a completed application in the prescribed form;
 - a valid travel document (its period of validity must exceed the validity period of the requested visa by at least three months);
 - one 35 x 45 mm color photograph corresponding to the age of the foreign national;
 - documents substantiating valid health insurance coverage;

- **Transit Visa (B)**

- a visa of the foreign state where the alien is traveling through the Republic of Lithuania or a residence permit or other documents substantiating his right to enter that state;

Note: To obtain a dual-entry and multiple-entry transit visa, an alien must submit documents substantiating the necessity for such a visa.

- **Short-stay Visa (C)**

- an approved invitation, except for cases when such an invitation is not required or when another document equivalent to the invitation is presented;
- documents substantiating the right to return to the state of origin or the state in which the alien is a citizen or a permanent resident or the right to enter a third state;
- when required, documents substantiating the purpose and conditions of the intended visit, available means of subsistence or a source where the alien is in a position to acquire such means while traveling through the territory of the Republic of Lithuania to another, the means available for return to the state of origin or for travel to another state.

- **Group Visas**

- documents for each member of the group necessary to obtain a visa of the required type. To obtain a short-stay visa, an invitation by a legal person (see section 6) for a group of aliens to visit the Republic of Lithuania must be submitted;
- a list of the members of the group specifying the appointed group leader (2 copies).

Specifically, visas for the tourists can be issued in 2 ways::

- 1) Ordinary procedure – when the tourist applies for instance to the Embassy himself – general supporting documents needed;
- 2) Facilitated procedure – through assistance of tourist agencies, accredited at the Embassy, which present the following additional documents in the name of an applicant when applying for visas with the purpose of tourism:
 - a tourist services' voucher;
 - documents proving possession/reservation of round trip tickets and reservation of a hotel.

Visas for the private visits: applicants, traveling to Lithuania for the private purposes, present general supporting documents – see above;

Visas for the business visits: applicants, traveling to Lithuania for the business purposes and asking of multiple entry, besides the general supporting documents, present the business contract with the natural/legal person of the Republic of Lithuania;

Visas for the study visits: applicants, traveling to Lithuania for the purpose of studying, besides the general supporting documents, present an invitation from the academic institution; they are planning to study in.

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6.4 Co-operation with travel agencies

The EvalCom was informed that tourist agencies, accredited at the Embassy in Moscow, can submit visa applications and other documents of the visa applicant, on the basis of the contract between the tourism agency and the tourist. The documents can be presented exclusively by the official couriers of the agency (2 persons), who are certified by the Embassy during the process of accreditation. From 3 April 2006, the new procedure of Accreditation of tourist agencies came into force – all the relevant tourist agencies are now under the procedure of the accreditation at the Embassy.

The EvalCom was informed that visa applications are refused if reservations for a hotel room are not presented and that the Russian Truck Drivers Association can submit visa applications for its members and the Russian railway Company for train conductors or ticket controllers (5 to 7 per train).

6.5 Medical Insurance

Visa applicants are required to be in possession of a travel medical insurance at the time of submitting their applications. The Embassy then checks if the travel medical insurance is valid for the territory of Lithuania and if it covers 30.000 Euros for C visas and 20.000 LTL (Lithas) (approximately 6.000 Euros) for A and B and D visas.

As mentioned in chapter 5, INGOSSTRAKH, a Russian state insurance company, has a booth inside the waiting room and could provide travel medical insurance (45 Euros for 90 days).

A list of registered insurance companies is not available at the Embassy

Family members of an EU national can travel without travel medical insurance and invitation (only proof of family link) and are not required to pay a handling fee.

6.6 Types of visa issued (long stay (+3 months)-short stay-multiple entry¹

Under the existing Lithuanian legislation the following types of visas can be issued **Airport transit visa (A)** (in practice this type of visas is not issued, since no airport is classified as a suitable airport for transits), **Transit visa (B)**, **Short-term visa (C)** and **Long-term visa (D)** (60 Euro). Lithuania also issues **Group visas**. One visa sticker which is put on a list with all the names of travelers. The handling fee is 35 Euros plus 1 Euro per person on the list.

6.7. Recognition of Schengen visas for the purpose of transit/stay

Schengen visas are not recognised for transit purposes for Russian nationals.

EvalCom comments and recommendations:

Regarding issuing group visas by affixing a visa sticker on a list of passengers, the EvalCom points out that such a practice would have to be abolished when applying Schengen in full, because the CCI only provides for issuing group visas in collective passports (CCI; I 2.1.4).

¹ According to EC Regulation N° 693/2003 establishing a specific Facilitated Transit Document (FTD), and a Facilitated Rail Transit Document (FRTD), the Commission will report separately to the European Parliament and to the Council on the functioning of the facilitated transit scheme at the latest three years after its implementation.

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The EvalCom points out that when implementing the Schengen acquis in full, it will be necessary to conduct more personal interviews, which will have to be longer and more in-depth, in order to verify the true purpose of stay and identity of the applicant.

With regard to non-acceptance of an incomplete application, i.e. the application is not processed, not paid for and the application stamp is not affixed in the passport, EvalCom recommends that once fully implementing the Schengen acquis, this practice should be abolished, since not processing and/or stamping the passport could lead to 'visa shopping'.

The EvalCom also points out that, upon applying the Schengen acquis in full, all relevant components of Article 5 of the Schengen Convention should be checked, also for visa applications for an intended stay of 10 days or less.

Comments of Lithuania:

- *The Republic of Lithuania acknowledges that the above mentioned practice of issuing group visas is not fully in line with Schengen acquis. On the other hand, that is quite a sensitive question, as the Russian Federation and many other third countries, whose nationals apply for a visas, have no collective passports. The above mentioned procedure shall be revoked before the full implementation of Schengen acquis, though that could raise the discontent of third country nationals.*
- *The Republic of Lithuania would like to emphasise that every third country national, applying for a visa of the Republic of Lithuania actually preliminary questioned by the technical officers upon the submission of the documents. When the alien submits documents personally, technical officer, using to the data from the visa application form, is obliged to verify applicant's identity, the real purpose of stay and etc. The preliminary questioning is not always used, particularly when the documents are not submitted personally, but by the accredited tourist agencies and etc. When there are doubts concerning the visa applicant, he is interviewed by the diplomat, executing consular functions, at the same time, when the foreigner returns for a visa or during the separate meeting.*
- *After the renovation of Consular Section, there shall be a separate, sound-absorbing interview room, assuring the discretion and confidentiality of visa interviews. The additional facilities would enable Lithuania to increase the quantity and quality of visa interviews, assessment of individual applications and etc., when applying Schengen in full.*
- *Finally, Embassy of the Republic of Lithuania in Moscow shall also receive additional diplomatic and consular officers for the implementation of consular functions, according to the above mentioned 'Program of Consular Development' in 2007. That would enable to increase the number of interviews significantly.*
- *The increase of the number of personal interviews would also facilitate the introduction the advance booking system for the visa appointments, which shall be introduced from 1 January 2007.*

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- *The Republic of Lithuania would like to inform EvalCom that the practice of 'not processing the incomplete applications' is used only in those cases when these shortcomings are noticed already in the stage of preliminary 'pre-checking'. The procedure of 'pre-checking' of visa documents is recommended by EU-catalogue "Issuing of Visa, Recommendations and Best Practices".*
CCI stamp ('Applied for a visa') is used when the visa application is not only pre-checked but actually submitted for the processing. Accordingly, when the lack of appropriate supporting documents is noticed only during the stage of visa application processing, and the missing documents are not presented, the visa is not issued. If visa is not issued only due to the lack of documents, the travel document is not marked with the stamp 'Visa not issued', enabling the applicant to apply again, when he possesses all the necessary supporting documents.
- *The Republic of Lithuania confirms that the Article 5 of the Schengen Convention shall be implemented completely, before the full application of Schengen acquis.*

7. VISA STICKER

7.1 printing and affixing

The stickers of visas of the Republic of Lithuania are printed using the computerized Consular Procedures Management System and affixed into the valid travel document of the applicant usually by the state or technical officer of the Embassy (also see point 4.2); printing and affixing can also be processed by the diplomat, implementing consular functions.

If a visa is damaged in the process of a printing (or a technical mistake is noticed), the sticker is marked with the stamp (red cross) as not valid and affixed into the specialized registration journal for invalid visas.

If the technical mistake is noticed only when the sticker is already affixed in the passport, it is marked with the special stamp (red cross). A copy of a visa sticker is made, which is also affixed into the specialized registration journal for invalid visas. A new visa sticker is printed and affixed to the passport of an alien.

7.2 Machine readable zone

The machine readable zone is filled out correctly and visa sticker affixed in a way that this zone could be used properly. The stamp of the Embassy of the Republic of Lithuania in Moscow issuing the visa is affixed in the "national entries" section of a visa sticker, extending beyond the visa sticker to the travel document.

7.3 Signature

The visa stickers are not signed by the consular officer. Nevertheless, issuing officer's surname and the first letter of the name, together with the number of visa post of the Republic of Lithuania is printed in the visa sticker.

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EvalCom comments and recommendations:

The EvalCom comments that sticker handling is up to standards. Stickers are correctly affixed.

The EvalCom recommends that when a visa sticker is annulled because of a mistake, the kinegram should be scratched/destroyed as mentioned in the EU-catalogue “Issuing of Visa, Recommendations and Best Practices”, chapter 5, point f (6183/03, 7 February 2003).

Comments of Lithuania:

The Republic of Lithuania took a note of a recommendation – kinegrams of the annulled visa stickers shall be destroyed (scratched).

8. ISSUANCE OF VISAS

8.1 Issuing of the visa

Concerning the granting of visas, see above under 6.

8.2. Refusal of the visa

The EvalCom was informed that if a visa is refused, the stamp ‘visa not issued’ (viza neišduota) is affixed to the travel document. The applicant is informed orally, when he visits the Embassy to collect the travel document. The applicant is informed on the act of law of the Republic of Lithuania, according to which the decision to refuse a visa to him was taken. If an applicant, to whom the visa was refused, asks for the grounds of refusal of a visa in writing, the possibility to issue him the written answer is considered. Because of a bilateral agreement with the Russian Federation, the Embassy is not obliged to give reasons (either orally or in written form). Applicants whose application have been refused are not informed at all about their right to appeal, except when they ask for that in writing. Up till now there have been no appeal cases. In the case a refusal stamp is placed in the passport, the applicant cannot apply for another visa, regardless of the reason of refusal, for another year

EvalCom comments and recommendations:

As for the practice that an applicant whose visa has been refused, can not lodge a new application for a year, the EvalCom points out that, when applying Schengen in full, this will lead to visa-shopping, since other Member States do not follow this practice (in many cases, based on their national law).

Comments of Lithuania:

- The Republic of Lithuania confirms that the practice of banning for 1 year an applicant from lodging a new visa application, whose visa has been refused, shall be abolished, before the full application of Schengen acquis.

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9. SECURITY STAFF/MATERIAL)

9.1 Staff : Division of tasks between expatriate staff and local staff

In total, the Embassy employs several (3?) Consuls and 4 expatriate technical staff.

There is no *local Russian staff*.

Expatriate technical staff may: receive negative answers from national databases and decide whether further information or interview is required.

Expatriate(diplomatic) staff may: Decide whether a visa is granted or refused and carry out contact to local partners if necessary in particular cases.

9.2 Staff

- checks upon recruitment

State and technical officers as well as diplomats are subject to a security check before commencing their duties.

- further evaluation

State and technical officers as well as diplomats are being constantly supervised during their service by the Security Division of Ministry of Foreign Affairs as well as National Security Department of Lithuania. Based on these evaluations, structural and staff changes can be implemented.

There is some limited rotation (between the transit facilitation unit and the Consular Section) which is more on the basis on availability of staff during holidays or other similar circumstances than to ensure that the staff responsible for issuing visas shall in no way be exposed to local pressure and to prevent the formation of "habits" which could lead to a decline in the level of vigilance (CCI, VII, point 1).

- access (keys)(viz also above under 3. and 6.) and stock-monitoring

Visa stickers are stored in a strongbox in a metal cabinet in the amenities of the Embassies Finance Division (*Kasa*). The strongbox can be opened only by the authorized Finance Division Officer. For the issuance of visas, one package (300 units) of visa stickers is issued to each state or technical officer, registering this action in the specialized registration book. Consequently, the package of visa stickers is taken to a diplomat, executing consular functions, who registers the above-mentioned visa stickers in the Consular Procedures Management System on the name of the printing state or technical officer. Unused visa stickers are stored in a personal strongbox of the visa officer, in the amenities of the Consular section.

Office keys cannot leave the premises and are placed in a key safe in the office of the Lithuanian police officers. At the end of the day, the police officers check if all keys have been returned.

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9.3 Documents (transport; storage; safes)

Visa stickers, blank repatriation certificates and other sensitive documents are stored in a separate safe strongbox in the amenities of the Embassies Finance Division. The cashier keeps the keys and the strongbox can be opened only by the authorized officer. Issued visa stickers (and other sensitive documents) are registered not only in the Consular Procedures Management System, but also in the specialized registration book.

New consignments of blank visa stickers are transported to an Embassy by the diplomatic post.

Upon arrival, according to the issue-acceptance certificate it is registered in the specialized registration book. Visa stickers in use are also registered in the computerized Consular Procedures Management System.

Monitoring of stock can always be done by the computerized system. Also the stock is monitored by the Internal Audit Division of the Ministry of Foreign Affairs of the Republic of Lithuania.

9.4 IT

- Login (passwords) and Access

Personal passwords are changed every month. System switches off when the computer is idle for 10 minutes.

- Distribution of information (CD-ROM, updates, direct access, browsing)

The national black list is available online and only diplomats have access to it. The system gives a reply only whether there has been a hit or not (and any similarly spelled names) but does not give the reasons why that person is on the national black list. Diplomats cannot search for names in the black list.

- Encryption

The data are sent from the local data-base in Moscow to the central visa data-base in Vilnius using an encrypted tunnel.

- Data protection

The EvalCom was told that personal data protection is implemented according to the acts of law of the Republic of Lithuania.

EvalCom comments and recommendations:

The storage of blank visa stickers could be made safer, i.e. stored in a proper safe, which is fire resistant, anchored to the floor and placed in a more secure room (no wooden door).

Furthermore, a more systematic rotation scheme for the counter staff is advised, to ensure that the staff responsible for issuing visas shall not be exposed to local pressure and to prevent the formation of "habits" which could lead to a decline in the level of vigilance.

Comments of Lithuania:

- *The renovation of the Consular Section would encompass the modernisation of premises for the storage of visa stickers.*
- *The Embassy of the Republic of Lithuania in Moscow considers the possibilities to use a systematic rotation scheme for the counter staff.*

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- *When the Embassy of the Republic of Lithuania in Moscow shall receive additional diplomatic and consular officers for the implementation of consular functions, according to the above mentioned 'Program of Consular Development', there would be no obstacles to introduce the proper rotation scheme.*

10. EDUCATION AND TRAINING

The EvalCom was informed that, once or twice per year, the MFA organizes a "Consular Convention", during which the consular officers of the Republic of Lithuania (diplomats as well as civil servants dealing with visas) have the follow-up training, get acquainted with the changes of legal basis regulating consular affairs, use the opportunity to exchange their practical experience and discuss the common problems they might have encountered.

Twice or three times per year, regional training seminars are organized by the MFA for regions in which the number of Lithuanian Consulates is large enough.

Local Lithuanian staff members are apparently trained at the Embassy in Moscow in detection of false documents and IT.

EvalCom comments and recommendations

The Lithuanian training system seems to be sufficiently comprehensive. Some positive aspects deserve to be emphasized (the fact that evaluators found in the Visa Section a copy of the CCI without Annex 5B, as well as a book of authentic documents, specimen of valid passports).

11. EQUIPMENT FOR DETECTING FALSE DOCUMENTS

Proper equipment is in place (there are two sets) and functioning and the relevant officers know how to use it. There are also a book of authentic documents (with security features of travel documents), specimen of authentic passports

Every expatriate diplomat as well as state personnel receive 8-hour training on detection of forged documents before getting posted (part of 4 to 6 week training).

Once a month, here in Moscow, there is Anti Fraud Group meeting.

The Embassy does not have a document specialist in Moscow but when necessary it cooperates either with the Finish or German expert. Since the large majority of applications concern Russian passports, which are apparently easy to obtain, there is little interest in forging those. The Embassy has not had a case of a forged Russian passport in recent years.

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12. CONSULAR CO-OPERATION

The EvalCom was explained that the Consul normally attends the monthly Local Consular Cooperation Meetings.

EvalCom comments and recommendations:

Members of the Schengen Evaluation team appreciate that LCC monthly meeting are regularly attended.

13. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS

At the end of its mission, the EvalCom considers able to conclude, on the basis of the checks carried out and the information gathered, that the Lithuanian Embassy in Moscow could be in a position to implement the whole of the CCI in the near future. No major failings or significant or chronic errors were noted at any time in the daily work of the Embassy.

However, the EvalCom wishes to comment on a few points which, in its view, merit special attention by the Lithuanian authorities, at the time of full implementation of the Schengen Acquis:

- 1) The EvalCom points out that it will be necessary to conduct more personal interviews, which will have to be longer and more in-depth, in order to verify the true purpose of stay and identity of the applicant.
- 2) The EvalCom also points out that, all relevant components of Article 5 of the Schengen Convention should be checked, also for visa applications for an intended stay of 10 days or less.
- 3) More attention should be paid to assessing individual applications more carefully and not take it solely as a paper process.
- 4) The EvalCom considers the security checks - performed by the Lithuanian police upon entering the waiting room - adequate. However, it could be taken into consideration to install a pass-through document system and (bullet proof) security glass at the visa counters, to further improve the level of security of visa staff and documents.
- 5) The EvalCom noticed that inside the waiting room of the Consular Section there was a booth of INGOSSTRAKH Insurance state company which provides travel medical insurance. Since, to applicants, this may give the wrong impression that the Embassy only accepts insurance policies from this company, the EvalCom appreciates that this booth will be removed when renovating the premises which will take place later in 2006.
- 6) The exemption from personal appearance for minors under 18 is not in accordance with the CCI (reference is made to chapter III, Article 4, in which minors are not mentioned as a standard exemption, and to the EU-catalogue "Issuing of Visa, Recommendations and Best Practices", chapter 3, point a) and should be implemented correctly once applying Schengen in full.

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7) With regard to the non-acceptance of an incomplete application, i.e. the application is not processed, not paid for and the application stamp is not affixed in the passport, the EvalCom recommends that this practice should be abolished, since not processing and/or stamping the passport could lead to 'visa shopping'.

8) Regarding the issuance of a receipt, which is now done only after the passport is given back, EvalCom recommends that this should be done when the handling fee is paid.

9) Regarding issuing group visas by affixing a visa sticker on a list of passengers, the EvalCom points out that such a practice would have to be abolished because the CCI only provides for issuing group visas in collective passports (CCI; I 2.1.4).

10) As for the practice that an applicant whose visa has been refused, can not lodge a new application for a year, the EvalCom points out that, this may lead to visa-shopping, since other Member States do not follow this practice (in many cases, based on their national law). When fully implementing the Schengen acquis, this practice should be abolished.

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ANNEX 1

VISAS ISSUED BY THE EMBASSY OF THE REPUBLIC OF LITHUANIA IN MOSCOW

VISAS ISSUED BY THE EMBASSY OF THE REPUBLIC OF LITHUANIA IN MOSCOW									
IN 2005									

	Visas A	Visas B	Visas C	Total Visas A+B+C	Visas D	Total Visas A+B+C+D	Visas Not Issued	Rejection Rate	Rejection Rate in %
January	0	83	1638	1721	3	1724	11	0,006	0,64
February	0	91	2168	2259	7	2266	13	0,006	0,57
March	0	135	2536	2671	17	2688	33	0,012	1,23
April	0	156	3466	3622	15	3637	50	0,014	1,37
May	0	120	3428	3548	14	3562	45	0,013	1,26
June	0	166	5396	5562	14	5576	204	0,037	3,66
July	0	103	6967	7070	6	7076	140	0,02	1,98
August	0	114	4629	4743	18	4761	64	0,013	1,34
September	0	103	2552	2655	17	2672	50	0,019	1,87
October	0	87	2801	2888	14	2902	35	0,012	1,21
November	0	56	3008	3064	14	3078	54	0,018	1,75
December	0	80	5242	5322	13	5335	51	0,01	0,96
Total	0	1 294	43 831	45 125	152	45 277	750	0,015 (average)	1,4 (average)

VISAS ISSUED BY THE EMBASSY OF THE REPUBLIC OF LITHUANIA IN MOSCOW									
IN 2006									

	Visas A	Visas B	Visas C	Total Visas A+B+C	Visas D	Total Visas A+B+C+D	Visas Not Issued	Rejection Rate	Rejection Rate in %
January	0	76	1500	1576	16	1592	27	0,017	1,7
February	0	99	2380	2479	16	2495	48	0,02	1,92
March	0	84	2570	2654	23	2677	83	0,031	3,1
April	0	0	0	0	0	0	0	0	
May	0	0	0	0	0	0	0	0	
June	0	0	0	0	0	0	0	0	
July	0	0	0	0	0	0	0	0	
Total	0	259	6450	6709	55	6764	158	0,022 (average)	2,24 (average)

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ANNEX II

List of experts

Schengen Evaluation of the new Member States	
VISA I	
Moscow-St Petersburg, 10-18 May 2006	
Leading expert	Timo TÄRYNEN (FIN)
BELGIUM	Philippe LEFEBVRE
CYPRUS	Charalambos PANAYIDES
GERMANY	Berit BÄUMERICH
NETHERLANDS	Ferdi GEUTJES
SLOVAKIA	Fedor ROLL
SPAIN	Álvaro KIRKPATRICK DE LA VEGA
Commission	Yolanda GALLEGO-CASILDA GRAU
Council Secretariat	Fedja ZLOBEC

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